



2113

\$ 471

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Dean et al.  
FOR : **SYSTEM AND METHOD FOR  
EFFECTING RECOVERY OF A  
NETWORK**  
SERIAL NO. : 09/871,768  
FILED : June 1, 2001  
EXAMINER : Puente, Emerson C.  
ART UNIT : 2113 ✓  
CONFIRMATION NO. : 3087  
ATTORNEY DOCKET NO. : LUTZ 2 00298  
Case Name/No. Dean 3-2

RECEIVED

JUN 22 2004

Technology Center 2100

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

06/17/2004 HHEKONEN 00000027 09871768

01 FC:1806

180.00 DP

BEST AVAILABLE COPY

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents with this Disclosure.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed require(s) no further explanation (or no translation is available).

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.


☒ Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

June 11, 2004



Joseph O. Dreher  
Reg. No. 37,123  
Thomas Tillander  
Reg. No. 47,334  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2518  
216/861-5582

#### CERTIFICATE OF MAILING


I certify that this Information Disclosure Statement and accompanying document(s) are being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.

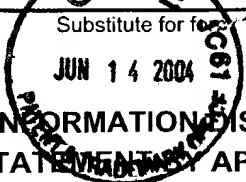
☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Fee Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date <u>June 11, 2004</u>

Signature 
Printed Name Roseanne Giuliani

N:\LUTZ\200155\SMW0001203V001.doc

BEST AVAILABLE COPY

 Substitute for form 1449/PTO	<b>COMPLETE IF KNOWN</b>	
	Application Number	09/871,768
	Filing Date	June 1, 2001
	First Named Inventor	Dean et al.
	Art Unit	2113
	Examiner Name	Puente, Emerson C.
Sheet 1 of 1	Attorney Docket No.	LUTZ 2 00298 Lucent Case Name/No. Dean 3-2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-			
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			

RECEIVED

JUN 22 2004

Technology Center 2100

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
	AM					<input type="checkbox"/>
	AN					<input type="checkbox"/>
	AO					<input type="checkbox"/>
	AP					<input type="checkbox"/>

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	AQ	LUCENT TECHNOLOGIES, Bell Labs Innovations, Reliable Clustered Computing (RCC), 1997.	<input type="checkbox"/>
	AR		<input type="checkbox"/>
	AS		<input type="checkbox"/>
	AT		<input type="checkbox"/>
	AU		<input type="checkbox"/>
	AV		<input type="checkbox"/>

BEST AVAILABLE COPY

Examiner Signature		Date Considered	
--------------------	--	-----------------	--